

REMARKS

New claims 23-25 are added, directed to an electrically isolated television content distribution system. Support for these claims is found throughout Applicant's Specification, and in particular at p. 5, line 25 – p. 6, line 3. No new matter is added.

In the Advisory Action, the Examiner maintained the rejection of claims 1-22, relying on the broadest reasonable interpretation of the terms "content selected" and "control inputs." "The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction *in light of the specification* as it would be interpreted by one of ordinary skill in the art." MPEP § 2111 (internal quote and citation omitted). Applicant's Specification does not permit such a broad interpretation.

First, the Examiner cited to Garfinkle, col. 5, lines 3-8, which states:

Upon receipt of the transmitted order for a video product, the central station retrieves the product from product store 12 and transmits it, preferably as a compressed digital data stream, to the ordering site 18 where it is stored in the site's product store 24, blocks 76 and 78.

Garfinkle explicitly states that the central station *receives an order* for specific video content. The content has thus necessarily and manifestly *already been selected*. The central station then *retrieves* the content and transmits it. Retrieval of already-selected content is not the selection of content.

Select means "to make a choice or selection." The American Heritage® Dictionary of the English Language, Fourth Edition. Houghton Mifflin Company, 2004. *Answers.com* 05 Aug. 2008. <http://www.answers.com/topic/select> Retrieve means "To get back; regain." The American Heritage® Dictionary of the English Language, Fourth Edition. Houghton Mifflin Company, 2004. *Answers.com* 05 Aug. 2008. <http://www.answers.com/topic/retrieve>

To get something back – or regain it – necessarily implies that the thing is known *a priori*. That is, the thing to be retrieved has already been selected. This is the case in Garfinkle.

The central station 10 retrieves content that was *selected* by a local control processor 20, after the local control processor 20 transmits a specific request to the central station 10 identifying the content to be delivered.

In stark contrast, claim 1 recites, “displaying content on said television, said content *selected* in response to said control inputs by a controller located remotely from said television.” Garfinkle fails to teach or suggest *selecting* content remotely from a television (as opposed to merely retrieving content that was locally selected). For at least this reason, the rejection of claim 1 is improper and must be withdrawn.

The Examiner then cited Garfinkle at col. 4, lines 1-6, “The microprocessor 20 will transmit via a modem, for example, connected to the link 16 the appropriate *identification data of the desired product* to the central station along with a site identifier for billing purposes and as a download address.” and col. 5, lines 3-5, “Upon receipt of the *transmitted order for a video product*, the central station . . .” Both passages unquestionably identify video content selected by the user. While this may, in a very broad sense, be considered a “control input” from a user, such interpretation is not a “*reasonable construction in light of the specification* as it would be interpreted by one of ordinary skill in the art,” as required. See MPEP § 2111.

Applicant’s specification describes control inputs as the actual keystrokes, button presses, and the like from control devices connected to a television. See, e.g., Specification, p. 4, lines 7-13:

The television 12 additionally includes a wireless interface unit 24, which may receive wireless *control inputs* from a remote control 26, wireless keyboard 34, or the like. While the wireless interface unit 24 may receive and decode UHF or other RF electromagnetic signals, modulated ultrasonic signals, and the like as known in the art, the interface is typically infrared optical, and complies with the RC-5 codes for infrared communications. The infrared communication typically comprises an 880 nm wavelength infrared signal, modulated at 36 KHz.

Those of skill in the art readily understand that wireless optical infrared remote controls operating under the RC-5 protocol do not transmit, from a user to a television, either

"identification data of [a] desired product" or an "order for a video product." Rather, they transmit keypresses, such as channel-up, volume-down, codes associated with a numeric keypad, and the like.

Furthermore, in describing the Smart Port 32, the Specification states, at p. 4, lines 18-20, "Thus, in a sense, the television 12, and particularly the Smart Port 32, acts as a universal receiver/decoder for wired and wireless control inputs that are compatible with interfaces 20, 24." Those of skill in the art understand that control inputs received at wired and wireless interfaces 20, 24 are not data identifying video products, but rather the keystrokes and similar user input to devices such as the pillow speaker 22, wired keyboard 25, wireless remote control 26, wired game controller 27, and/or keyboard 34 (see Fig. 1).

Still further, user inputs are explicitly described at p. 8, lines 8-16,

User input, including the direct service access keys, directional keys, and the ENTER key, are transmitted through the Smart Port 32 and across the bi-directional communications channel 16 to the controller 14, to *control* the interactive process. Similarly, additional user inputs, such as for example, inputs from a wireless keyboard 34 and/or wired keyboard 25 via the pillow speaker 22 when the user is accessing Internet content, are transmitted to the controller 14 along the same route, and *control* the interactive session. Due to the "pass-through" provision of the Smart Port 32, a wide variety of devices to generate *control inputs* may be utilized with the present invention.

The user inputs – such as direct service access keys, directional keys, and the ENTER key – are described as controlling the interactive process/session. Furthermore, a variety of additional devices may supply control inputs to the Smart Port. Reading in the context of the Specification, one of skill in the art would realize that "user inputs" here are synonymous with "control inputs," and both refer to the low-level, control device codes input to the Smart Port to control content selection.

Garfinkle discloses similar control inputs at col. 3, lines 62 – 66,

A cursor 53 can be manipulated by the user via the input device 28 to command the microprocessor 20 to address and fetch from the [local] catalog store 26 the material called for by means of the cursor 53. The user can also order a desired video product by pointing with the cursor to the

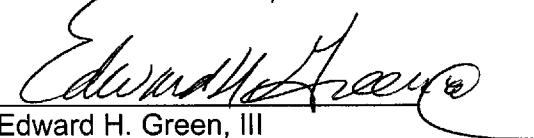
desired product and entering an appropriate command, such as a "click" with a mouse type input.

These inputs correlate to the claimed control inputs; however, Garfinkle discloses them as being used to select content *locally*. The very next sentence is telling: "The microprocessor 20 will transmit via a modem, for example, connected to the link 16 *the appropriate identification data of the desired product* to the central station along with a site identifier for billing purposes and as a download address." Garfinkle does not disclose transmitting the control inputs – the cursor manipulation inputs or mouse click – to the central station. Rather, following local consumption of the control inputs to effect content selection, data identifying the locally-selected content is sent to the central station, which merely retrieves the already-selected content, and sends it back to the requesting processor.

Because Garfinkle does not disclose or suggest either selecting content remotely from a television, or transmitting control inputs to a remote controller for such selection, the rejection of claims 1-22 is improper and must be withdrawn. The art of record additionally fails to disclose or suggest the electrical isolation of new claims 23-25. Accordingly, prompt allowance of all pending claims is hereby respectfully requested.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.


Edward H. Green, III
Registration No.: 42,604

Dated: August 5, 2008

1400 Crescent Green, Suite 300
Cary, NC 27518

Telephone: (919) 854-1844
Facsimile: (919) 854-2084